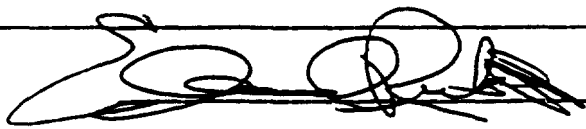


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C E R T I F I C A T E

I, EDWARD RICK, III, hereby certify  
that I have read the foregoing deposition given by me on  
September 10, 1993, and I certify it to be a true and  
correct transcript of my said deposition. In the event  
that I desire to make changes in the form or substance  
of my deposition, said changes will be listed below  
along with my reasons for making them.

| PAGE  | LINE  | CHANGE AND REASON FOR MAKING CHANGE |
|-------|-------|-------------------------------------|
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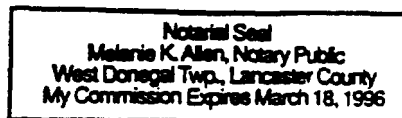
EDWARD M. RICK, III

Sworn and subscribed to before  
me this 30th day of September, A.D., 1993.

Melanie K. Allen

Notary Public

My Commission Expires:





ATTACHMENT 19

Affidavit of Edward Rick, III



AFFIDAVIT OF EDWARD RICK, III

I, Edward Rick, III, hereby declare as follows:

1. I am the Vice-President and an owner of Ready Mixed Concrete Company of Lancaster, Pennsylvania, 36 Erick Road, Lancaster, Pennsylvania (hereinafter referred to as "Ready Mixed"). As reflected in the documents attached to this Affidavit as Appendix A, I am the person identified in the Federal Communications Commission ("FCC") applications of Raystay Company ("Raystay") for authority to construct low power television stations on Channels 23 and 31 in Lancaster, Pennsylvania.

2. On February 14, 1989, I was visited at my office by a person who identified himself as Gregory B. Daly. Mr. Daly give me his card and told me that he was interested in placing a TV antenna on the roof of our plant. We discussed his proposal generally, and he provided me with a copy of the form letter attached to this Affidavit as Appendix B, which he asked me to sign. I refused, however, because I had very little information about his proposal. Although he led me to believe that the antenna he was talking about would be no more than ten or fifteen feet high, he was unable to tell me the exact size or weight of the structure, nor could he assure me that the antenna would not cause interference to other communications facilities that were located on the roof. Also, I felt that the form he had prepared contained legal jargon that might create a binding

commitment which I was not willing to give, particularly without further information about his plans. I therefore declined to sign the form as requested.

3. In the alternative, Mr. Daly asked me to draft a brief letter expressing my general willingness and ability to negotiate a lease for space on our roof. He asked me to quote a ballpark figure for rent, which I did by randomly choosing the figure \$350 per month because I was not quite sure what he had in mind. Again, the clear impression he conveyed was that he needed roof space for a ten or fifteen foot antenna. We did not discuss particulars about the potential terms of a lease, nor did we discuss the specifics of his plans for the antenna. Attached to this Affidavit as Appendix C is a copy of the letter that I provided to Mr. Daly at the end of his visit.

4. Over two and a half years later, on October 16, 1991, I received a visit from two individuals whose names I do not recall. One of the visitors said that he was the "new owner of the rights" to place an antenna on our roof, but I was not sure what he meant because I knew I had not given such a right to anyone and I had not been contacted about the matter since Mr. Daly's visit in 1989. To the best of my recollection, I simply assumed they had received permission to build the facilities and that they were now looking to secure a suitable site. With that understanding, I spoke with them about whether our facilities

would suit their needs. One of the visitors told me that they would require a dust free area for their equipment, but I explained that, as a concrete company, we could not provide them with an area that would be dust free. In response, the visitors told me that our site would not be suitable and our conversation ended. They left after giving me the clear impression that they had no plans to pursue the matter with us further. Attached to this Affidavit as Appendix D is a copy of a note that I wrote and placed in my files at the conclusion of their visit.

5. I recently have been shown the engineering sketch attached to this Affidavit as Appendix E. I understand that Raystay submitted this sketch to the FCC in applications that it filed in March 1989 for two low power television station licenses in Lancaster. In reviewing the sketch, I can state with certainty that I did not tell Mr. Daly that Ready Mixed would consider leasing roof space for a structure like the one depicted in the diagram. As stated above, I was never fully aware what Mr. Daly was planning. Although he led me to believe that the antenna would be approximately ten or fifteen feet high, he could not answer my questions regarding the exact size of the antenna, and he did not explain to me how it would be mounted. I certainly was not aware that he was planning to ask the FCC for authority to construct a 97-foot structure sufficient to support two broadcast antennas. If Mr. Daly had told me of Raystay's true plans, I would have had immediate

concerns about the roof's capacity to hold such a structure. The section of the roof upon which Raystay has proposed to mount its antenna is simply a shed that was constructed to protect a conveyor head and some aggregate bins from the weather. The shed is made of 2-by-4's into which steel sheeting has been nailed. The shed has no steel foundation, and it would be structurally impossible for it support an object like the one depicted in Raystay's sketch. Therefore, had I been made aware of Raystay's plans, my conversation with Mr. Daly would have ended and I would never have provided him with the letter attached to this Affidavit as Appendix C.

6. I also have reviewed the statement attached hereto as Appendix F, which I understand was submitted to the FCC by Raystay in December 1991 and again in July 1992 to report the status of Raystay's construction efforts. To the best of my knowledge and belief, two assertions made in that statement are false. The first such assertion is that Raystay "has entered into lease negotiations with representatives of the owners of the antenna site specified in the applications..." As Vice-President and an owner of Ready Mixed, I have principal supervisory responsibility over all aspects of the company's operations, including the negotiation and approval of all lease agreements involving the company's facilities. To the best of my knowledge, Ready Mixed has had no lease negotiations with Raystay or any representative of that company at any time.


Indeed, apart from Mr. Daly's visit in February 1989 and the visit in October 1991 described in paragraph 4 above, no representative of Raystay has contacted Ready Mixed at any time about the matter. I have checked with the other two owners of Ready Mixed and they have confirmed that no such negotiations or contacts have occurred.

7. Likewise, I am aware of no visit to Ready Mixed by any representative of Raystay other than visits described in paragraphs 2 and 4 above. The final visit, which occurred on October 16, 1991, lasted only about fifteen minutes and resulted in one of the visitors telling me that our facilities would not suit Raystay's needs because of the dust. To the best of my knowledge, the visitors did not inspect Ready Mixed's facilities and there were no discussions with me about "site preparation work" or "modifications [that would] need to be done at the site." In fact, as soon as I told the visitors that I could not provide them with a dust free environment, the conversation ended and they left. Therefore, if the statement contained in Appendix F is meant to suggest that representatives of Raystay have inspected our roof or made any other preparations to initiate construction at our facility, that claim is false. To the contrary, as stated in paragraph 4 above, I was led to believe from my conversation with the October 1991 visitors that they had no further interest in our facilities, and I have not heard from any representative of Raystay since that time.



8. I understand that this Affidavit may be submitted to the FCC, and I have provided it freely and without the payment or offer of any consideration.


I hereby certify that the statements made herein are true and correct to the best of my knowledge and belief, and are submitted in good faith.

  
Edward Rick, III

COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF LANCASTER )

SS:

Sworn to and subscribed before me this 19th day of April, 1993.

  
Notary Public

My commission expires

Notarial Seal  
Melanie K. Allen, Notary Public  
West Donegal Twp., Lancaster County  
My Commission Expires March 18, 1996

**APPENDIX A**

# SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

1. For Low Power TV applicants, will this station employ on a full-time basis five or more persons?

☐ Yes

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Report (FCC Form 396-A).

## SECTION VII - CERTIFICATIONS

1. For new station and major change applicants only, the applicant certifies that it has or will comply with the public notice requirement of 47 C.F.R. Section 73.3580(p).

☒ Yes

2. For applicants proposing translator rebroadcasts who are not the licensee of the primary station, the applicant certifies that written authority has been obtained from the licensee of the station whose programs are to be retransmitted.

☐ Yes

N.A.

Primary station proposed to be rebroadcast:

| Call Sign | City | State | Channel No. |
|-----------|------|-------|-------------|
|           |      |       |             |

3. The applicant certifies that it has contacted an authorized spokesperson for the owner of the rights to the proposed transmitter site and has obtained reasonable assurance that the site will be available for its use if this application is granted.

☒ Yes

That person can be contacted at the following address and telephone number:

|      |                 |       |    |                                   |  |
|------|-----------------|-------|----|-----------------------------------|--|
| Name | Edward Rick III |       |    | Mailing Address or Identification | Ready-Mix Concrete Co of Lancaster, PA |
| City | Lancaster       | State | PA | ZIP Code                          | 17603                                  |
|      |                 |       |    | Telephone No. (include area code) | (717) 394-0637                         |

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of misleading, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.55, the APPLICANT has a continuing obligation to advise the Commission, through amendments, or any substantial and significant changes in information furnished.

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT U.S. CODE, TITLE 18, SECTION 1001.**

I certify that the statements in this application are true, complete and correct to the best of my knowledge and belief, and made in good faith.

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|                   |                 |           |                    |
|-------------------|-----------------|-----------|--------------------|
| Name of Applicant | Raystay Company | Signature | <i>[Signature]</i> |
| Title             | Vice-President  | Date      | March 7, 1989      |

**APPENDIX B**

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# Fel SA, Incorporated

REFERENCE: LETTER OF INTENT

RIGHT-OF-WAY SPECIALISTS

3500 WHITEHAVEN PKWY N.W.

WASHINGTON, DC 20007-2253

(202) 333-1985, 8, 7

Market Name: Lancaster, PA County: Lancaster

The undersigned is willing and able to lease to the addressee and/or its assignees, with the price and terms to be subsequently agreed upon, the following property should the Federal Communications Commission (FCC) grant a construction permit (license) to the addressee and/or its assignees:

- ( ) 1. Parcel of land \_\_\_\_\_ (size) near existing tower  
 ( ☒ ) 2. Rooftop at approx. \_\_\_\_\_ feet Above Ground Level (AGL)  
 ( ) 3. Tower space approx. \_\_\_\_\_ feet AGL: NOTE-IF LESS THAN 300ft THEN:

- ( ) -Lessee, at his expense, may extend tower height to \_\_\_\_\_ ft AGL  
 ( ) -Lessee, at his expense, may replace tower with stronger (write S) AND/OR taller (write T) tower pending FAA and zoning approval  
 ( ) 4. Owner can provide a sheltered equipment space (20' X 20')

Site is miles N NE E SE S SW W NW of \_\_\_\_\_ (Nearest Town)

Physical Description/

Site Address:

Andy Ric Concrete Company of Lancaster, PA  
36 Erick Road  
Lancaster, PA 17602

N Lat: \_\_\_\_\_ W. Long: \_\_\_\_\_ Ground Elev: \_\_\_\_\_

Call Sign: \_\_\_\_\_ Quad Map: Lancaster 1:250,000 Map: \_\_\_\_\_

Nearest airport: \_\_\_\_\_ is \_\_\_\_\_ miles N NE E SE S SW W NW of site

This letter does not constitute a lease agreement but is intended to give reasonable assurance of the availability of this site for the above named purposes.

\_\_\_\_\_  
Owner or Authorized Agent\_\_\_\_\_  
Addressee's Agent

Date

Edward Rick, Jr.

Date

2/14/89

Owner's Mailing Address:

Andy Ric Concrete Company of Lancaster, PA

PLEASE

36 Erick Road

PRINT

Lancaster, PA 17602

Owner's Telephone No:

(717) 394-0632

• Applies only in flat areas and not where site is above average terrain

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**APPENDIX C**

# READY MIXED CONCRETE COMPANY of LANCASTER, PA.

36 ERICK ROAD  
Telephone - 717-394-0637



P.O. BOX 1205  
LANCASTER, PA. 17603

February 14, 1989

To whom It may concern:

The under signed is willing and able to negotiate the leasing of space or part of a building for the placement of a T.V. antenna-structure. The rental figure for the first three years will be \$350. per month. Access may be given on an existing building which is 90 feet high.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Rick, III'. The signature is stylized with large loops and a long horizontal stroke at the end.

Edward Rick, III

**APPENDIX D**





**Keystone  
Cement Co.**

Sales Office  
7311 Airport Road  
Bath, PA 19014

PA 800-255-5735

CU# 500-523-5442

10-16-91

Hand visit from NEW  
customer of R.O.R.  
Leave DUST FREE area

(No)

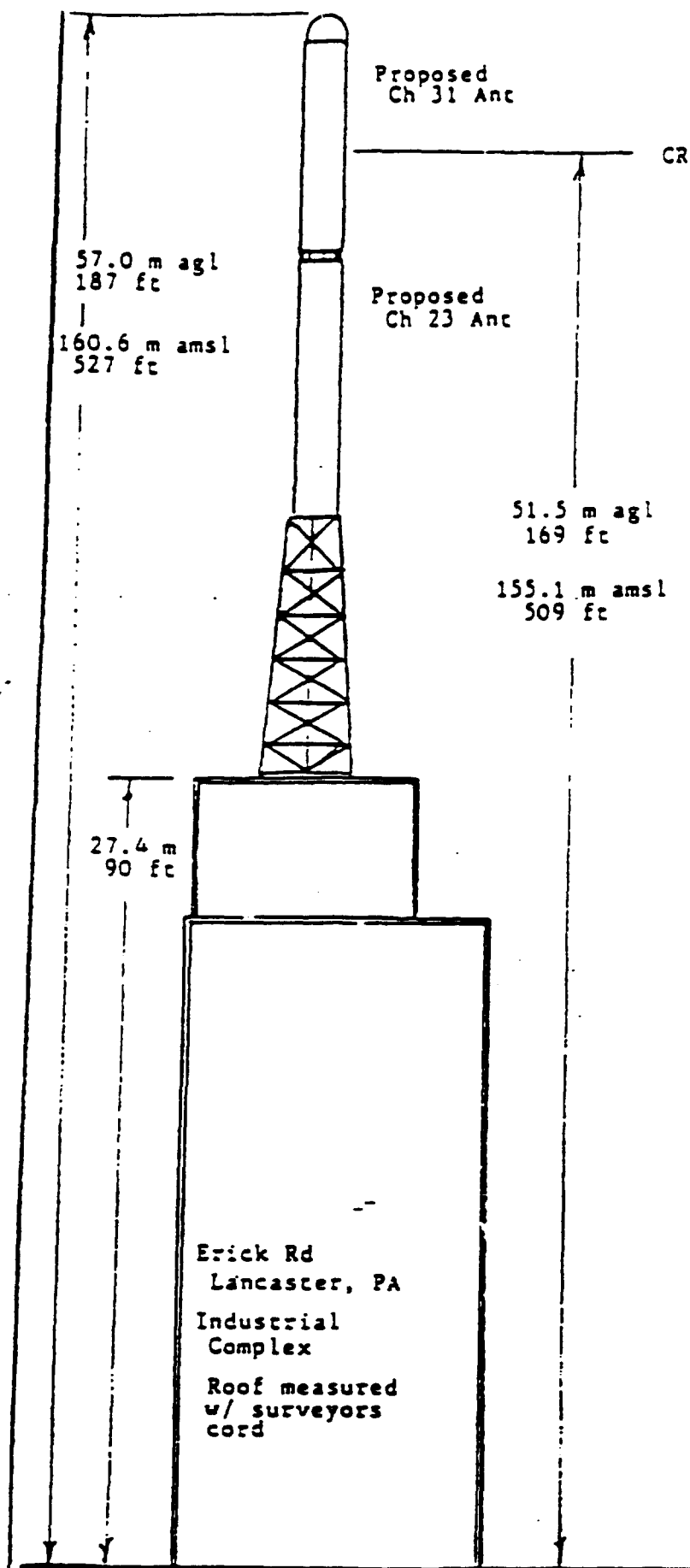
**Keystone Aggregate Products**

Bath, PA

1-800-255-5736

215-637-1821

**APPENDIX E**



**Figure 3**  
Vertical Plan Sketch  
of Supporting Structure

Channel 31  
Raystay Company  
Lancaster, Pennsylvania

R. L. HOOVER  
CONSULTING  
TELECOMMUNICATIONS ENGINEER

Gnd Elev -  
103.6 m amsl  
340 ft

Proposed  
Site

N 40° 03' 47"

W 76° 19' 09"

Painted & Lighted  
in Accordance with  
FAA Specifications

Drawing not to scale

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**APPENDIX F**

## EXHIBIT 1

The permittee respectfully submits that a grant of the instant application would be in the public interest for the following reasons:

Initially, it must be noted that Raystay Co. has built and is currently the licensee of LPTV station W40AF licensed to Dillsburg, PA. Raystay built the station pursuant to a construction permit issued to it by the Commission.

At the present time, equipment for the station has not been ordered or delivered. Raystay, however, has had discussions with equipment suppliers concerning the types and prices of equipment that could be used at the site specified in the construction permit. It has entered into lease negotiations with representatives of the owners of the antenna site specified in the applications, although those negotiations have not been consummated. A representative of Raystay and an engineer have visited the antenna site and ascertained what site preparation work and modifications need to be done at the site.

Raystay has undertaken research in an effort to determine the programming that would be offered on the station. It has had discussions with program suppliers to determine what programs could be available for broadcast on the station. It has also had continuing negotiations with local cable television franchises to

ascertain what type of programming would enable the station to be carried on local cable systems.

The denial of this extension request could eliminate any possibility of the proposed LPTV service being offered to the community. No application mutually exclusive with Raystay's construction permit application was filed, so no other entity has expressed an interest in providing this service.

Accordingly, Raystay requests that the Commission extend the date for construction for a period of six months from the date this application is granted or <sup>or</sup> from the date the current construction permit expires, whichever is later.



Ready Mixed Concrete Company  
Employees by Seniority

Page 1

WILBUR W BALMER  
410 MAIN ST  
AKRON  
PA 17501

Telephone No: 717 859-1343  
Start Date: 07/17/48  
SS Number: 178-24-1646

HARRY E HERMAN  
1245 CHESTNUT ST  
COLUMBIA  
PA 17512

Telephone No: 717 684-5161  
Start Date: 08/01/55  
SS Number: 178-24-0253

HAROLD E KEPPELY  
51 ALLEN RD  
BROWNSTOWN  
PA 17508

Telephone No: 717 656-7377  
Start Date: 04/05/59  
SS Number: 170-28-7071

ROBERT W ANDES  
125 PEARL ST  
LANCASTER  
PA 17603

Telephone No: 717 393-5730  
Start Date: 04/09/59  
SS Number: 204-28-7857

RONALD E ESHELMAN  
RR 1  
EAST EARL  
PA 17519

Telephone No: 215 445-4462  
Start Date: 03/03/64  
SS Number: 182-34-2774

RODNEY R GROFF  
1020 WILLOW STREET PIKE  
LANCASTER  
PA 17602

Telephone No: 717 392-0099  
Start Date: 05/03/65  
SS Number: 170-28-6140

LEROY R SECHRIST  
RR 1  
NEWMANSTOWN  
PA 17073

Telephone No: 717 949-6838  
Start Date: 07/12/65  
SS Number: 169-26-0586

PHILIP R HESS, JR  
226 MARION TERRACE  
EPHRATA  
PA 17522

Telephone No: 717 733-6056  
Start Date: 05/12/66  
SS Number: 171-28-8700

WILLIAM F ANDES  
608 E MARION ST  
LANCASTER  
PA 17602

Telephone No: 717 299-5925  
Start Date: 07/07/66  
SS Number: 170-28-8495

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Ready Mixed Concrete Company  
Employees by Seniority

Page 2

RICHARD A AUKER  
2123 MAIN ST  
ROTHSVILLE  
PA 17573

Telephone No: 717 626-6193  
Start Date: 04/15/68  
SS Number: 211-34-3405

MERLE S CONRAD JR  
221 SHORT LN  
LANCASTER  
PA 17603

Telephone No: 717 872-4729  
Start Date: 04/07/69  
SS Number: 196-32-1173

JAMES B LEINBACH  
408 S 7TH ST  
AKRON  
PA 17501

Telephone No: 717 859-3897  
Start Date: 03/31/70  
SS Number: 204-34-1050

FRANK W LOWERY  
36 E STATE ST  
QUARRYVILLE  
PA 17566

Telephone No: 717 786-7087  
Start Date: 04/17/70  
SS Number: 194-22-5295

DONALD RAY RABOLD  
RR 1 299 SINCLAIR RD  
NEWMANSTOWN  
PA 17073

Telephone No: 717 949-3259  
Start Date: 06/15/70  
SS Number: 192-30-7104

DONALD R SPROUT  
8 ~~HARTWICK DR~~  
QUARRYVILLE  
PA 17566

Telephone No: 717 ~~786-4574~~ 687-0423  
Start Date: 04/05/72  
SS Number: 196-44-0405

ALVIN E BURTON  
212 LOCUST ST  
LANCASTER  
PA 17602

Telephone No: 717 393-6004  
Start Date: 03/25/74  
SS Number: 221-30-3654

RONALD E FRYBERGER  
6270 RIVER RD  
CONESTOGA  
PA 17516

Telephone No: 717 872-9056  
Start Date: 04/08/74  
SS Number: 169-40-6454

ANDREW J BUNCH  
622 S ANN ST  
LANCASTER  
PA 17602

Telephone No: 717 394-6506  
Start Date: 04/19/76  
SS Number: 244-86-4072

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